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Scott Borg

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EXAMINER

YIP, JACK

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/558,546	<b>Applicant(s)</b> BORG, SCOTT	
	<b>Examiner</b> JACK YIP	<b>Art Unit</b> 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/18/2006, 5/5/2008</u> .                                     | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claim(s) 1 - 31 is/are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention.** Supreme Court precedent (Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780, 787-88 (1876)) and recent Federal Circuit decisions (In re Bilski, 88 USPQ2d 1385 (Fed. Cir. 2008)) indicate that a statutory “process” under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claim(s) recite a series of steps or acts to be performed, the claim(s) neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process. For example, claim 1 states “A method for generating a recipe, comprising: ...”, however, the method steps or acts have not positively tied to a statutory products or things to accomplish such steps or acts.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 36, 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 36, 47 recite the limitation "the list of need to buy item" on page 7 of 10 and page 8 of 10, however, "the list of need to buy item" has not has clearly set forth in claims 32, 36, 43 and 47. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1 - 8, 10, 13, 15 - 18, 20 - 26, 29 - 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Owens (US 2003/0004831 A1).**

**Owens discloses:**

Re claims 1, 32, 43:

[Claim 1]. A method for generating a recipe (Owens, Abstract, Fig 24 and associate text, [0187]), comprising:

comparing (Owens, [0039] - [0041]) a customer profile of a customer (Owens, fig 4, 409) to a defined promotional strategy (Owens, fig 4, 401 - 405, 410 - 412); and

providing a recipe to the customer based on the comparison of the customer profile and the defined promotional strategy (Owens, [0012], [0018] - [0019], [0029], [0039] - [0041]).

[Claim 32]. A system for generating a recipe (Owens, Abstract, Fig 24 and associate text, [0187]), comprising:

a database storing customer profiles and recipes (Owens, fig 4, 409);

a processor generating at least one recipe based on the customer profiles and a defined promotional strategy (Owens, [0028] - [0033], "computer processor means"), comprising:

a database module retrieving a customer profile from the database based on the collected customer information (Owens, fig 4, 409, and associate text);

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a comparison module (Owens, [0039] - [0041]) comparing a customer profile of a customer (Owens, fig 4, 409) to the defined promotional strategy (Owens, fig 4, 401 - 405, 410 - 412); and

a recipe module providing a recipe to the customer based on the comparison of the customer profile and the defined promotional strategy (Owens, [0012], [0018] - [0019], [0029], [0039] - [0041]).

[Claim 43]. A computer-readable medium having computer executable instructions for performing steps to generate a recipe (Owens, [0183]), the steps comprising:

retrieving a customer profile of a customer from a database based on collected customer information (Owens, fig 4, 409, and associate text);

comparing (Owens, [0039] - [0041]) the customer profile (Owens, fig 4, 409) to the defined promotional strategy (Owens, fig 4, 401 - 405, 410 - 412); and

providing a recipe to the customer based on the comparison of the customer profile and the defined promotional strategy (Owens, [0012], [0018] - [0019], [0029], [0039] - [0041]).

Re claims 2, 33, 44:

[Claim 2]. The method of claim 1, further comprising:

collecting customer information from the customer (Owens, figs 9 - 10 and associate text);

generating a customer profile based on the collected customer information (Owen, fig 6, "Member Profile") and

storing the generated customer profile in a database (Owens, fig 4, 409; fig 6, 602).

[Claim 33]. The system of claim 32, further comprising: an input module collecting customer information from the customer; and a profile module generating a customer profile based on the collected customer information, and wherein the database module stores the generated customer profile in the database (See claim 2 above).

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[Claim 44]. The computer-readable medium of claim 43, the computer executable instructions further comprising the steps of collecting customer information from the customer, generating a customer profile based on the collected customer information, and storing the generated customer profile in the database (See claim 2 above).

Re claims 3, 34, 45:

[Claim 3]. The method of claim 1 wherein providing the recipe includes providing at least one recipe that includes food items for at least one of a single dish and an entire meal (Owens, [0029]; figs 23 - 26).

[Claim 34]. The system of claim 32, wherein the recipe module provides at least one recipe that includes food items for at least one of a single dish and an entire meal (See claim 3 above).

[Claim 45]. The computer-readable medium of claim 43, wherein the step of providing a recipe comprises providing at least one recipe that includes food items for at least one of a single dish and an entire meal (See claim 3 above).

Re claims 4, 35, 46:

[Claim 4]. The method of claim 1, further comprising providing the customer with a list of food items associated with the recipe (Owens, [0018] - [0019], [0029], [0036], [0038] - [0041]).

[Claim 35]. The system of claim 32, wherein the recipe module provides the customer with a list of food items associated with the recipe (See claim 4 above).

[Claim 46]. The computer-readable medium of claim 43, the computer executable instructions further comprising the step of providing the customer with a list of food items associated with the recipe (See claim 4 above).

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Re claim 5:

[Claim 5]. The method of claim 4, wherein the list of food items comprises a list of pantry items and a list of need-to-buy items based on the customer profile (Owens, [0018] - [0019], [0029], [0036], [0038] - [0041]).

Re claims 6, 36, 47:

[Claim 6]. The method of claim 4, further comprising:

accepting a list of additional shopping items from the customer (Owens, fig 11, "Shopping list creation, ... 1. User selects grocery item general description groceries..."); and

integrating the accepted list of additional shopping items with the list of need to buy items (Owens, fig 12, "... user can make modifications or additions to the list"; [0038] - [0039]; fig 56-A - 64).

[Claim 36]. The system of claim 32, wherein the input module accepting a list of additional shopping items from the customer and the recipe module integrating the accepted list of additional shopping items with the list of need to buy items (See claim 6 above).

[Claim 47]. The computer-readable medium of claim 43, the computer executable instructions further comprising the steps of accepting a list of additional shopping items from the customer and the recipe module integrating the accepted list of additional shopping items with the list of need to buy items (See claim 6 above).

Re claims 7, 37, 48:

[Claim 7]. The method of claim 1, further comprising:

providing the customer with a list of food items associated with the recipe (Owens, [0018] - [0019], [0029], [0036], [0038] - [0041]); and

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providing the customer with a list of suggested food items not associated with the recipe (Owens, [0017]; fig 6, 603, "Advertising").

[Claim 37]. The system of claim 32, further comprising: the recipe module providing the customer with a list of food items associated with the recipe and with a list of suggested food items not associated with the recipe (See claim 7 above).

[Claim 48]. The computer-readable medium of claim 43, the computer executable instructions further comprising: the step of providing the customer with a list of food items associated with the recipe and with a list of suggested food items not associated with the recipe (See claim 7 above).

Re claims 8, 38, 49:

[Claim 8]. The method of claim 1 wherein providing the recipe includes

providing multiple recipes (Owens, fig 23, "Browse recipes"), and wherein the method further comprises:

receiving a selection of one or more of the multiple recipes (Owens, fig 23, "Browse recipes"; ); and

providing a list of food items associated with the one or more selected recipes (Owens, [0018] - [0019], [0029], [0036], [0038] - [0041]).

[Claim 38]. The system of claim 32, wherein the recipe module provides multiple recipes, and wherein the method further comprises: the input module receiving a selection of one or more of the multiple recipes; and the recipe module providing a list of food items associated with the one or more selected recipes (See claim 8 above).

[Claim 49]. The computer-readable medium of claim 43, the computer executable instructions further comprising, wherein the step of providing a recipe provides multiple recipes, and wherein the computer



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executable instructions further comprises: the step of receiving a selection of one or more of the multiple recipes; and the step of providing a list of food items associated with the one or more selected recipes (See claim 8 above).

Re claims 10, 39, 50:

[Claim 10]. The method of claim 1, further comprising downloading at least one of the recipe and a list of food items associated with the recipe to at least one of a computing system and a computer-readable medium (Owens, figs 1 - 6 and associate text).

[Claim 39]. The system of claim 32, further comprising an output module downloading at least one of the recipes and a list of food items associated with the recipe to at least one of a computing system and a computer-readable medium (See claim 10 above).

[Claim 50]. The computer-readable medium of claim 49, the computer executable instructions further comprising the step of downloading at least one of the recipes and a list of food items associated with the recipe to at least one of a computing system and a computer-readable medium (See claim 10 above).

Re claim 13:

The method of claim 1, further comprising generating a store map with the location of the food items associated with the recipe, wherein the location of the food items are defined by categories (Owens, [0218]).

Re claim 15:

The method of claim 1, further comprising generating a shopping sequence for collecting the food items for the recipe based on the location of the food items in a store (Owens, [0030] - [0031]; [0039], [0041] - [0042], [0062], [0066]).

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Re claim 16:

The method of claim 1 wherein the promotional strategy includes suggesting recipes that includes one or more food items that are at least one of currently in stock, over-stocked, **on sale** (Owens, fig 18 and associate text, [0222]), and targeted for increased sales.

Re claim 17

The method of claim 1 wherein the promotional strategy includes suggesting recipes that includes one or more food items that include a food staple (Owens, fig 57, "Flour & cornmeal").

Re claim 18:

The method of claim 1 wherein the promotional strategy includes according recipes with more ingredients higher priority than recipes with fewer ingredients (Owens, fig 45, "Low Fat Diet"; [0214]).

Re claim 20:

The method of claim 1, further comprising providing a discount incentive for the customer to purchase at least one food item associated with the recipe, wherein the discount incentive comprises one or more of a printed coupon, a gift card, and an electronic coupon (Owens, fig 6, 606).

Re claim 21:

The method of claim 1 comprising comparing the customer profile to the defined promotional strategy using a computing device (Owens, [0012], [0018] - [0019], [0029], [0039] - [0041]).

Re claim 22:

The method of claim 1 wherein collecting customer information includes at least one of initial profiling by a store attendant, collecting information provided by a customer, and tracking items the customer buys (Owens, [0204] - [0211], [0024], "purchase history").

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Re claim 23:

The method of claim 22 wherein tracking the items the customer buys includes

tracking what the customer buys over a period of time (Owens, [0024], [0035] - [0037], "purchase history") via at least one of the use of a customer affinity card and the redemption of one or more customer-specific discount incentives (Owens, [0016], "saving card", [0024], [0036], [0188], [0208], [0214], [0221] - [0223]), and

further comprises updating the customer profile with the tracked items either continuously or periodically (Owens, [0024], [0035] - [0037], "purchase history").

Re claim 24:

The method of claim 1, further comprising

storing the provided recipe as one of a provided recipe records in a database (Owens, [0253] - [0259], "A user may preferably choose the "My Meals" text link to view all the meals they have saved"),

querying the provided recipe records when providing a new recipe (Owens, [0253] - [0259], "... specifying a starting date and clicking the "Add Checked to Menu Calendar ..."), and

precluding the previously provided recipe as a new recipe for a predetermined period of time (Owens, [0253] - [0259], "... specifying a starting date and clicking the "Add Checked to Menu Calendar ..."; [0060]).

Re claim 25:

The method of claim 1, wherein providing a recipe to the customer further comprises taking into consideration one or more of season, holidays, weather, **day of week** (Owens, [0253] - [0259], "... specifying a starting date and clicking the "Add Checked to Menu Calendar ..."; [0060]), shopping time of day, and at least one operating schedule of at least one department in a store.

Re claim 26:

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The method of claim 1, further comprising overriding the customer profile (Owens, fig 43, "1 Store was added to your profile"), and wherein comparing (Owens, [0039] - [0041]) the customer profile (Owens, fig 4, 409) to a defined promotional strategy comprises comparing a new customer profile to a defined promotional strategy (Owens, fig 4, 401 - 405, 410 - 412).

Re claims 29, 40, 51:

[Claim 29]. The method of claim 1, further comprising defining a promotional strategy for increased sales (Owens, [0222]).

[Claim 40]. The system of claim 32, further comprising a strategy module defining a promotional strategy for increased sales (See claim 29 above).

[Claim 51]. The computer-readable medium of claim 50, the computer executable instructions further comprising steps for defining a promotional strategy for increased sales (See claim 29 above).

Re claims 30, 41, 52:

[Claim 30]. The method of claim 29, further comprising:

(i) monitoring store sales while the promotional strategy is on going (Owens, [0194] - [0197], [0204] - [0211], "Inventory");

(ii) comparing monitored store sales with the defined promotional strategy (Owens, [0194] - [0197], [0204] - [0211]); and

(iii) modifying the promotional strategy based on the comparison of monitored store sales with the current promotional strategy for increasing store sales (Owens, [0194] - [0197], [0204] - [0211]; "... The Grocery Shopping Web Site Operator will also assist users of Diet Plan Provider in making their diets "a way of life", the goal of the diet plan company. As a further aspect of the business relationship with the Diet Plan Providers, the Grocery Shopping Web Site Operator will optionally provide market analysis data including information regarding demographic profiles of users, their responses to particular plan and

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recipe usage, product (if any) purchases and related data about their buying patterns. As a further aspect of the business relationship with the Diet Plan Providers, the Grocery Shopping Web Site Operator will preferably receive payment for providing this market analysis information to the Diet Plan Providers...”).

[Claim 41]. The system of claim 40, wherein the strategy module:

- (i) monitors store sales while the promotional strategy is on going;
- (ii) compares monitored store sales with the defined promotional strategy; and
- (iii) modifies the promotional strategy based on the comparison of monitored store sales with the current promotional strategy for increasing store sales (See claim 30 above).

[Claim 52]. The computer-readable medium of claim 51, the computer executable instructions further comprising steps for:

- (i) monitoring store sales while the promotional strategy is on going;
- (ii) comparing monitored store sales with the defined promotional strategy; and
- (iii) modifying the promotional strategy based on the comparison of monitored store sales with the current promotional strategy for increasing store sales (See claim 30 above).

Re claims 31, 42, 53:

[Claim 31]. The method of claim 30, further comprising repeating operations (i)-(iii) either continuously or periodically (Owens, [0194] - [0197], [0204] - [0211], Owens discloses a Grocery Shopping Web Site Operator can either continuously or periodically monitoring, comparing and modifying of the recited operations.)

[Claim 42]. The system of claim 41, wherein the strategy module repeats operations (i)-(iii) either continuously or periodically (See claim 31 above).

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[Claim 53]. The computer-readable medium of claim 52, the computer executable instructions further comprising steps for repeating operations (i)-(iii) either continuously or periodically (See claim 31 above).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**8. Claims 14, 19, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owens (US 2003/0004831 A1).**

Re claim 14:

Owens teaches a present invention comprises a computer system comprises input and output devices. The computer system comprises a display screen or monitor, a keyboard, a printer, a mouse, etc (Owens, [0191]). Owens further teaches printing of the purchases list on the user's printer (Owens, [0214]) and a user may request additional information, including a location map, about a particular store by selected the store's name (Owens, [0218]). However, Owens does not explicitly disclose printing the map for the customer with the disclosed printer. Therefore, in view of Owens, it would have been obvious to one of ordinary skill in the art, at the time of invention, to modify the method described in Owens, by printing the map for the customer to use while shopping in order to provide direction when the user is away from the computer.

Re claim 19:

Owens does not explicitly disclose the method wherein the promotional strategy includes according recipes that increase ancillary sales higher priority than recipes that do not increase ancillary sales. However, the examiner takes Official Notice that it was old and well known to promote items that can generate sales. Therefore, in view of Official Notice, it would have been obvious to one of ordinary skill in

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the art, at the time of invention, to modify the method described in Owens by having recipes that increase ancillary sales higher priority than recipes that do not increase ancillary sales for financial gain.

Re claim 27:

The method of claim 1,

wherein comparing the customer profile to a defined promotional strategy further comprises querying a recipe database having recipes with at least one binary identifier (Owens, fig 22, “calories per serving, protein and fat grams, and percentage daily requirements ...”) and one analog identifier (Owens, fig 75; fig 78, “Preparation Time”; fig 23, “... for user to search for a type of recipe by name or type of dish, or recipes from user’s account),

wherein the querying a recipe database comprises querying either according to at least one binary identifier (Owens, fig 6, “Dietary Needs”; “calories per serving, protein and fat grams, and percentage daily requirements ...”) prior to at least one analog identifier (Owens, fig 75; fig 78, “Preparation Time”; fig 23, “... for user to search for a type of recipe by name or type of dish, or recipes from user’s account...”) or according to at least one analog identifier prior to at least one digital identifier.

Owens does not explicitly disclose querying a recipe database in the order specifies by the applicant. Therefore, in view of Owens, it would have been obvious to one of ordinary skill in the art, at the time of invention, to modify the method described in Owens, since it was known in the art to prioritize search criteria.

**9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owens (US 2003/0004831 A1) in view of Ozawa et al (US 2003/0187682 A1).**

Re claim 9:

Owens does not disclose the method further comprising storing at least one non-selected recipe and each non-selection occurrence as non-selected recipe records in a database, querying the non-selected recipe records in the database to determine how many times the non-selected recipe has been declined,

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and precluding the non-selected recipe from being offered again if the non-selection occurrence exceeds a predetermine number.

However, Ozawa teaches (Ozawa, Abstract) an invention allows a user to easily retrieve contents data such as recipe data. Ozawa further teaches (Ozawa, [0077] - [0079]) a process of deleting a recipe, wherein if the number of times the user has viewed a recipe is stored in the memory card, the recipe which has been viewed the smallest number of times may be selected as a recipe to be deleted.

Therefore, in view of Ozawa, it would have been obvious to one of ordinary skill in the art, at the time of invention, to modify the method described in Owens, by providing the recipe selection method as taught Ozawa in order to adapt to a user's taste.

**10. Claims 11 - 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owens (US 2003/0004831 A1) in view of Dunaway,, JR (US 2002/0026363 A1).**

Re claims 11 - 12:

Owens does not explicitly disclose accepting customer rating of the provided recipe at a later date and updating the customer profile with the accepted customer rating, wherein the accepting customer rating comprises accepting customer rating via a web site, an in-store computing station, or a store attendant.

However, Dunaway teaches an invention relates to an online data processing implemented system and method which provides remote culinary preparation services by personal chefs (Dunaway, Abstract). Dunaway (Dunaway, [0088]) further teaches a Ratings section is allows the client to submit ratings on individual chefs as well as individual recipes. Each time the client logs into the system of the present invention they will be greeted with the welcome message of the day and then asked to rate and comment on the menu selections that were prepared for them between now and the last time they logged onto the site. Therefore, in view of Dunaway, it would have been obvious to one of ordinary skill in the art, at the



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time of invention, to modify the method described in Owens, by accepting customer rating as taught by Dunaway in order to improve the service.

**11. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owens (US 2003/0004831 A1) in view of Krulak et al. (US 2001/0025279 A1).**

Re claim 28:

Owens does not disclose the method further comprising identifying correlations between items based on the probability that if a customer buys a first item, the customer will also buy a second item, and wherein comparing the customer profile to a defined promotional strategy comprises comparing the customer profile, a defined promotional strategy, and the identified correlations.

Krulak teaches (Krulak, Abstract; [0005] - [0006]) an invention to provide a menu planning system that can generate a recommended menu and drink list for a planned menu based upon certain stated restrictions. Krulak further states (Krulak, [0046] - [0049]; fig 4; fig 11) a database search retrieves a list of matching wines or drink recipes that are recommended to the user.

Therefore, in view of Krulak, it would have been obvious to one of ordinary skill in the art, at the time of invention, to modify the method described in Owens, by providing the recommendation as taught by Krulak, since Krulak explicitly states (Krulak, [0003]) once the menu has been set and the food and drinks have been chosen, the recipes for the menu must be gathered and a complete shopping list of ingredients must be compiled and purchased. Clearly, planning and preparing the menu for an event takes considerable time and effort, which is unfortunately not always available to the person planning the event.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACK YIP whose telephone number is (571)270-5048. The examiner can normally be reached on Monday - Friday 9:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Y./  
Examiner, Art Unit 3715

/XUAN M. THAI/  
Supervisory Patent Examiner, Art Unit 3715